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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT**

In re patent application of: Michael J. Alberts

Att. Docket No.: 2270-001

Serial No.: 10/773,250

Examiner: John R. Cottingham

Filed: February 9, 2004

Art Unit: 2116

For: **MODULAR STACKABLE FENCE APPARATUS**

**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

Submitted herewith are several references which have come to the applicant's attention and which may be deemed relevant to the above-identified application, together with form PTO/SB/08A listing the references.

**NOTE THAT THESE REFERENCES WERE RECENTLY BROUGHT TO THE APPLICANT'S ATTENTION BY A THIRD PARTY.**

**OUT OF AN ABUNDANCE OF CAUTION,** it is requested that these references be made of record in the present application.

Date: Nov 25/05

Respectfully submitted,

*[Handwritten signature: Sean W. Goodwin]*  
\_\_\_\_\_  
Sean W. Goodwin  
Registration No. 39, 568

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER**

Assistant Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
SIR:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97 – 1.98.

Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

☐ a. The enclosed information disclosure statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last. (37 CFR 1.97 (b))

☐ b. The enclosed information disclosure statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311. (37 CFR 1.97 (c))

The enclosed information disclosure statement is accompanied by [check one]:

☐ i. A statement in part (e) below as specified in 37 C.F.R. 1.97(e), or

☐ ii. A check in the amount of \$240.00 required by 37 C.F.R. 1.17(p).

☒ c. The enclosed information disclosure statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee. (37 CFR 1.97 (d))

**PETITION:** It is requested that the information being submitted be considered. {NOTE: If box (c) is checked, the following two boxes must be checked.}

☒ **PETITION FEE:** a check for \$130.00 required by 37 CFR 1.17(i)(I), is enclosed,

☒ **STATEMENT** is attended to in box (e) below.

☐ d. The enclosed information disclosure statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.

[ ] e. **Statement** [Check one] [Statement is required only if box (b)(I) or box (c) is checked.]

[ ] I hereby state that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

or

[X] I hereby state that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.5(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[ ] Appropriate statement is attached.

Date:

Nov 25/01

Respectfully Submitted,

Sean Goodwin

By: Sean W. Goodwin  
Registration No. 39,568



## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Sheet 1 of 1

Application No.: 10/773,250  
Filing Date: February 9, 2004  
First Named Inventor: Mike Alberts  
Group Art Unit: 2116  
Examiner Name: John R. Cottingham  
Attorney Docket No.: 2270-001

### U.S PATENT DOCUMENTS

Initial	Document No.	Name	Date	Relevance

### FOREIGN PATENT DOCUMENTS

Initial	Office	Number	Name	Date	Relevance	Trans

### OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Initial	Name (in CAPS), Title of Article, Title of Item, Date, Page(s), Volume-Issue No., etc.	Trans
	<a href="http://www.avarte.fi">www.avarte.fi</a> ; design Yrjo Kukkapuro 1997; models 551,552,554,542 and 544	
	<a href="http://www.oodlesofpartsplus.com/stacking_chairs.htm">www.oodlesofpartsplus.com/stacking_chairs.htm</a> ; pages 1-9	
	<a href="http://www.oodlesofpartsplus.com/fortyfour_stacking_chairs.htm">www.oodlesofpartsplus.com/fortyfour_stacking_chairs.htm</a> ; pages 1-6	
	<a href="http://www.mossonline.com/product-exec/product_id/29246">www.mossonline.com/product-exec/product_id/29246</a>	
	<a href="http://www.swedish-design.com/all/BMI406/">www.swedish-design.com/all/BMI406/</a>	
	<a href="http://www.dpscs.state.md.us">www.dpscs.state.md.us</a>	
	<a href="http://www.slverstateindustries.com">www.slverstateindustries.com</a> ;	

Examiner Signature		Date Considered	
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\* Examiner: Initial if considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.